

1 GREGORY P. O'HARA, CA BAR NO. 131963
gpohara@thelen.com
2 DANIEL J. MULLER, CA BAR NO. 193396
dmuller@thelen.com
3 KARIN M. COGBILL, CA BAR NO. 244606
kcogbill@thelen.com
4 THELEN LLP
225 West Santa Clara Street, 12th Floor
5 San Jose, CA 95113
Telephone: (408) 292-5800
6 Facsimile: (408) 287-8040

7 Attorneys for Plaintiff
8 SAVE MART SUPERMARKETS
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 SAVE MART SUPERMARKETS, d/b/a
13 FOOD MAXX, a California Corporation

14 Plaintiff,

15 vs.

16 WAL-MART REAL ESTATE BUSINESS
17 TRUST, a Delaware Statutory Trust, WAL-
MART STORES, INC., a Delaware
18 Corporation

19 Defendants.
20

Case No.: 08-03885 JL

**STIPULATION AND [PROPOSED]
ORDER DISMISSING CASE WITHOUT
PREJUDICE**

1 IT IS HEREBY STIPULATED by and between the parties to this action, through their
2 designated counsel, that the above entitled action be and hereby is dismissed without prejudice
3 pursuant to Federal Rule of Civil Procedure 41(a)(1).
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5 Dated: October 30, 2008

THELEN LLP

6
7
8 By



Gregory P. O'Hara

Daniel J. Muller

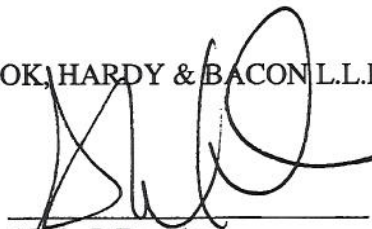
Karin M. Cogbill

Attorneys for Plaintiff Save Mart Supermarkets

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12 Dated: October 30, 2008

SHOOK, HARDY & BACON L.L.P.

13
14
15 By



Alicia J. Donahue

Gabrielle Handler Marks

Attorneys for Defendant Wal-Mart Real Estate

Business Trust and Defendant Wal-Mart Stores Inc.

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19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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21 Dated: October 31, 2008

22 HONORABLE SAM

United States District

